IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2805 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANJULABEN VINUBHAI PATEL

Versus

DIRECTOR, REGIONAL PASSPORT OFFICE

Appearance:

1. Special Civil Application No. 2805 of 2002

MR AJ DESAI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 25/02/2002

ORAL JUDGEMENT

1. Rule. Mr.D.N.Patel waives service of rule on behalf of respondent. By consent rule is fixed forthwith.

2. Petitioner has approached this court for seeking direction that the respondent authority be directed to decide the application for passport which is pending before the said authority. The second passport has expired in May 2000. That there is a mistake in the second passport issued wherein the date of birth was mentioned as 3.1.1941 as per Annexure "C" (xerox copy of the passport). It is further found that the application for first passport was entertained by the respondent authority and the passport was issued in favour of the petitioner on 22.7.1976 and the passport authority, considering the documents furnished by the petitioner, has entered the date of birth of the petitioner as 3.8.1941. However, when the said passport has expired, the passport of the petitioner was renewed and in the said passport the birth date of the petitioner is shown as 3.1.1941. It is the case of the petitioner that though the date of birth was mentioned wrongly, it was not noticed by the petitioner and after the expiry of the said passport, the petitioner has approached the authority for fresh passport wherein she has placed reliance upon the certificate issued by the Talati cum Mantri, Changa Gram Panchayat dated 28.7.2002, wherein the date of birth of the petitioner is shown as 3.8.1941. It is the case of the petitioner that as there is inconsistency in the matter, the petitioner has approached the passport authority. However, the passport authority has asked the petitioner to obtain necessary order from the court and accordingly the petitioner has moved this court.

3. Considering the submissions and the fact that the first passport was issued in favour of the petitioner showing the date of birth of the petitioner as 3.8.1941 and in the second passport, the passport authority has not correctly recorded the date of birth of the petitioner and wrongly recorded the date of birth as 3.1.1941, it is directed that the passport authority will examine the case of the petitioner by issuing fresh passport as prayed for by the petitioner, relying upon the certificate issued by the Panchayat - authority and if it is found to be genuine, the passport authority will issue fresh passport in favour of the petitioner in accordance with law.

4. With these observations, the petition is disposed of. Rule is made absolute in the above terms. Direct service is permitted.

(D.K.Trivedi,J)

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